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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASS

**KINGVISION PAY PER VIEW CORP., LTD,** )

**Plaintiff,** )

**v.** )

**JAMES CAIRNS and PATRICK CONNOR'S  
TAVERN INC.  
d/b/a PACKY CONNORS** )

**Defendants** )

**CIVIL ACTION NO  
05-10263 GAO**

**DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, James Cairns, hereby answers the numbered Paragraphs of the Plaintiff's complaint as follows:

**Jurisdiction**

1. The defendant states that this paragraph requires no answer since there is no allegations directed against James Cairns.
2. The defendant states that this paragraph requires no answer since there is no

allegations directed against James Cairns.

3. The defendant, James Cairns, denies plaintiff's allegations stated therein.

**Parties**

4. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement.

5. The defendant, James Cairns, denies that Patrick Connors Tavern Inc. has its principal place of business at 203 Blue Hill Avenue, Roxbury, MA 02119.

6. The defendant, James Cairns, denies that James Cairns is the owner of Packy Connors.

**Preliminary Background**

7. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement.

8. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement.

9. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement.

10. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement.

11. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement.

12. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement that transmission of the Event was available for broadcast in defendant, James Cairns, premises situated at 203 Blue Hill Avenue, Roxbury, Massachusetts. Defendant, James Cairns, admits that he did not contract with the plaintiff or any of plaintiff's agents to obtain the rights to broadcast the Event.

13. The defendant, James Cairns, is without knowledge or information sufficient to form a belief as to the truth of the statement.

14. The defendant, James Cairns, denies plaintiff's allegations stated therein.

15. The defendant, James Cairns, denies plaintiff's allegations stated therein.

16. The defendant, James Cairns, denies plaintiff's allegations stated therein.

17. The defendant, James Cairns, denies plaintiff's allegations stated therein.

18. The defendant, James Cairns, denies plaintiff's allegations stated therein.

**COUNT I**

**VIOLATION OF 47 U.S.C. s.553**

19. The defendant, James Cairns, restates and incorporates herein by reference its answers to Paragraphs Nos. 1-18 of Plaintiff's Complaint, as if set forth word for word.

20. The defendant, James Cairns, states that Paragraph No. 20 of Plaintiff's Complaint requires no answer as there are no allegations directed against defendant James Cairns.

21. The defendant, James Cairns, denies plaintiff's allegations stated therein.

22. The defendant, James Cairns, states that Paragraph No. 22 of Plaintiff's Complaint requires no answer as there are no allegations directed against defendant James Cairns.

23. The defendant, James Cairns, denies plaintiffs allegations of violating Section 553 and plaintiff is not entitled to any damages under the statute.

24. The defendant, James Cairns, denies plaintiff's allegations stated therein and plaintiff is not entitled to any damages under Section 553.

25. The defendant, James Cairns, denies plaintiffs allegations of wrongful actions and plaintiff is not entitled to any damages or costs pursuant to Section 553(c)(3)(A)(ii); Section 553 (c)(3)(B) and (c) or Section 553(c)(2)(C).

WHEREFORE, defendant, James Cairns, denies that plaintiff is entitled to judgment against James Cairns as alleged in Count 1 of the complaint.

## **Count II**

### **VIOLATION OF 47 U.S.C. s.605**

26. The defendant, James Cairns, restates and incorporates herein by reference its answers to Paragraphs 1-25 of Plaintiff's Complaint, as if set forth word for word.

27. The defendant, James Cairns, states that Paragraph No. 27 of Plaintiff's Complaint requires no answer as there are no allegations directed against defendant James Cairns.

28. The defendant, James Cairns, denies plaintiff's allegations stated therein.

29. The defendant, James Cairns, states that Paragraph No. 29 of Plaintiff's Complaint requires no answer as there are no allegations directed against defendant James Cairns.

30. The defendant, James Cairns, denies plaintiff's allegations stated therein.

31 The defendant, James Cairns, denies plaintiff's allegations stated therein and plaintiff is not entitled to any statutory damages provided for in Section 605.

32. The defendant, James Cairns, denies plaintiff's allegations of wrongful actions and plaintiff is not entitled to any damages or costs pursuant to Section 605(e)(3)(C)(i)(II); Section 605(e)(3)(C)(ii) and (c) or Section 605(e)(3)(B)(iii).

WHEREFORE, defendant James Cairns, denies that plaintiff is entitled to judgment against James Cairns as alleged in Count II of the complaint.

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

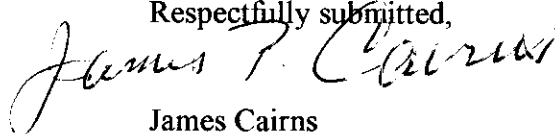
#### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff's Complaint is barred in whole or in part because defendant, James Cairns never intercepted and/or received the interstate communication of the event. Nor did the defendant James Cairns transmit, divulge or publish the communication or assist in transmitting, divulging and publishing the communication patrons within the premises of Patrick Connors.

**THIRD AFFIRMATIVE DEFENSE**

Defendant, James Cairns, reserves the right to amend this answer and add additional affirmative defenses as warranted by additional investigation and discovery on this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James P. Cairns". The signature is written in a cursive, flowing style with a large initial "J".

James Cairns  
Patrick Connors Inc.  
203 Blue Hill Avenue  
Roxbury, MA 02119  
(617) 442-7827

Dated: March 11, 2005

**CERTIFICATE OF SERVICE**

I, James Cairns, do hereby state that I have caused to be served upon attorney Gary D. Berkowitz, counsel for KINGVISION PAY-PER-VIEW, LTD. a true copy of acknowledgement of receipt of summons and complaint and a true copy of James Cairns DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT by mailing same, postage prepaid, via US mail to his office situated at One James Street, Providence, RI 02903, this eleventh day of March, 2005.

  
James Cairns

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